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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,513	11/26/2001	Joseph P. Kincart	0205	8533
<div>7590 08/01/2007</div> <div>Joseph P. Kincart, Esq. 8153 Middle Fork Way Jacksonville, FL 32256</div>				
			<div>EXAMINER</div> <div>CHANDLER, SARA M</div>	
			<div>ART UNIT</div> <div>3693</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>08/01/2007</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/994,513	Applicant(s) KINCART, JOSEPH P.	
	Examiner Sara Chandler	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's election of claims 1-11 in the reply filed on 06/12/07 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Interpretation

1. In determining patentability of an invention over the prior art, all claim limitations have been considered and interpreted as broadly as their terms reasonably allow. See MPEP § 2111.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Pruter*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). See MPEP § 2111.

2. All claim limitations have been considered. Additionally, all words in the claims have been considered in judging the patentability of the claims against the prior art. See MPEP 2106 II C. The following language is interpreted as not further limiting the scope of the claimed invention. See MPEP 2106 II C.

Language in a method claim that states only the intended use or intended result (e.g., "for _____"), but the expression does not result in a manipulative difference in the steps of the claim. Language in a system claim that states only the

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intended use or intended result (e.g., “for _____”), but does not result in a structural difference between the claimed invention and the prior art. In other words, if the prior art structure is capable of performing the intended use, then it meets the claim.

Claim limitations that contain statement(s) such as “*if, may, might, can could*”, as optional language. As matter of linguistic precision, optional claim elements do not narrow claim limitations, since they can always be omitted.

Claim limitations that contain statement(s) such as “*wherein, whereby*”, that fail to further define the steps or acts to be performed in method claims or the discrete physical structure required of system claims.

USPTO personnel should begin claim analysis by identifying and evaluating each claim limitation. For processes, the claim limitations will define steps or acts to be performed. For products, the claim limitations will define discrete physical structures or materials. Product claims are claims that are directed to either machines, manufactures or compositions of matter. See MPEP § 2106 II C.

The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) “adapted to” or “adapted for” clauses,
- (C) “wherein” clauses, or
- (D) “whereby” clauses.

See MPEP § 2106 II C.

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3. Independent claims are examined together, since they are not patentable distinct. If applicant expressly states on the record that two or more independent and distinct inventions are claimed in a single application, the Examiner may require the applicant to elect an invention to which the claims will be restricted.

The following terms have been interpreted as:

financial investment- monetary resources and/or funds or capital supplied with the hope or expectation of profitable returns in terms of interest, income or appreciation in value and/or some worthwhile result.

scholarship contract- agreement between two or more parties related to providing money or support to a worthy person or cause.

scholarship candidate- a person or cause that is a potential recipient and/or borrower of money and/or support.

investment vehicle- any method or mechanism by which to invest.

Claim Objections

Claim 1 is objected to because of the following informalities: "analyze" should be -- analyzing --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "the investment vehicle". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Trends and developments in securitization," by Stephen Lumpkin. Financial Market Trends. Paris: Oct. 1999., Iss. 74; pg. 25. (hereinafter Lumpkin) in view of "Sallie Mae files for first round of securitizations," by William J. Grassano. The Investment Dealers' Digest: IDD. New York: Aug. 14, 1995. (hereinafter Sallie Mae).

Re Claims 1-11: Lumpkin discloses a computer-implemented method for facilitating financial investment in a contract, the method comprising:
receiving informational data descriptive of a borrower, recipient (Lumpkin, pgs. 1-19, particularly pgs. abstract, 1-5,7-9 and 14-17);
receiving investment criteria (Lumpkin, pgs. 1-19, particularly pgs. abstract, 1-5,7-9 and 14-17);
analyzing the informational data according to the investment criteria (Lumpkin, pgs. 1-19, particularly pgs. abstract, 1-5,7-9 and 14-17);
and presenting the analysis of the informational data according to the investment criteria (Lumpkin, pgs. 1-19, particularly pgs. abstract, 1-5,7-9 and 14-17).

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Lumpkin fails to explicitly disclose wherein the borrower, recipient is a scholarship candidate and wherein the contract is a scholarship contract.

Field of Use/Analogous Art: It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the specification and claim limitations are drawn to an invention in the field of structured finance. In this field "securitization" is old and well known. Structured finance is often used to pool and repackage illiquid assets. Due to public policy concerns, structured finance is also used (e.g., via Ginnie Mae, Sallie Mae, Fannie Mae, Freddie Mac etc.) to provide financial aid to students, and financing to homebuyers, farmers etc.

Thus, the following analogies have been made between Lumpkin/securitization and the claimed invention:

scholarship candidate = borrower, recipient etc.

scholarship contract = contract (e.g., mortgage, loan contract)

informational data = historical data, characteristics, and statistics representative of the borrower(s), recipient(s) and/or those similarly situated.

investment criteria = investor requirements

investment vehicle(s) = trust, partnership, corporation etc. that holds assets and issues securities; pools of securities backed by the assets.

Sallie Mae discloses wherein the borrower, recipient is a scholarship candidate and wherein the contract is a scholarship contract (Sallie Mae, pgs. 1-2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lumpkin by adopting the teachings of Sallie Mae to provide a computer-implemented method for facilitating financial investment in a scholarship contract, the method comprising: receiving informational data descriptive of a scholarship candidate; receiving investment criteria; analyze the informational data according to the investment criteria; and presenting the analysis of the informational data according to the investment criteria.

One would have been motivated by public policy to expand financing opportunities to individuals and entities that will improve the economic prosperity and competitiveness of the country.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: The following references relate to structured financing and/or structured financing related to financial aid.

("20010029482"|"20020035530"|"20020069160"|"20030018558"|"20030074306"|"20040128229"|"20040153384"|"20040215553"|"20040215555"|"5940810"|"6058377"|"6070151"|"6233566"|"7099843"|"7184981").PN.

"Potential like never before," Sallie Mae- USA Education, Inc. Summary Annual Report 2000.

"Comment on Do Informational Frictions Justify Federal Credit Programs?," by Paul Davidson. Journal of Money, Credit and Banking, Vol. 26, No. 3, Part 2: Federal Credit Allocation: Theory, Evidence, and History. (Aug., 1994), 545-551.

"Accountability of government sponsored enterprises," by Thomas H. Stanton. Journal of Public Budgeting, Accounting & Financial Management. Boca Raton: Spring 1999. Vol. 11, Iss. 1.

"New Securities Issues," Wall Street Journal (Eastern edition). New York, NY: May 23, 2001 (hereinafter Wall Street Journal).

"New Structure hits student loan mart," by Scott Goodwin. Bondweek. New York: Jan 17, 2000. Vol. 20, Iss. 3.

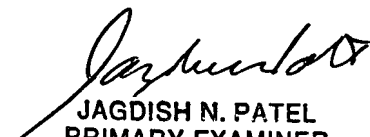
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Chandler whose telephone number is 571-272-1186. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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